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Project No: 5055 - Environmental Services

Project Name: Alviso Adobe Renovation

**AMENDMENT NO. 13 TO AGREEMENT
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 1st day of March 2005, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and RBF Consulting (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional environmental services for various City projects on April 23, 1999, and

WHEREAS, the parties desire to further amend the Agreement to allow CONSULTANT to perform additional professional environmental services related to performing environmental studies and environmental review process for the **Alviso Adobe Renovation** improvements,

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 3, entitled "Scope of Consultant's Duties and Services" is amended by adding Exhibit "**AM-13, A-5**", entitled "Scope of Services" which is attached hereto and incorporated by reference herein.
2. Exhibit B, entitled "Compensation Manner and Amount and Professional Team" is amended to include tasks and compensation as described in Exhibit "**AM-13, B-5**". Exhibit B is further amended by adding the following new sections at the end:

The compensation for consulting services and reimbursable expenses as set forth in Exhibit "**AM-13, B-5**" is a "not to exceed" amount. The total maximum amount of compensation to be paid for tasks outlined in Exhibit "**AM-13**,

A-5" shall be Twenty-one Thousand One Hundred Sixty Dollars (\$21,160.00) for all the services.

3. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

RBF CONSULTING

City Engineer as to content

City Manager

City Attorney as to Form

ATTESTED BY:

City Clerk

EXHIBIT A-13, A-5SCOPE OF WORK

FOR
ENVIRONMENTAL SERVICES:
Revised Alviso Adobe Restoration
(CIP Project 5055)

The City of Milpitas proposes to rehabilitate the Alviso Adobe and the City-owned surrounding lands into use as a historic park and museum. The project would also include a new roadway and approximate 25-space parking lot to service the users of the park and museum.

The original rehabilitation project was described in an Initial Study/Mitigated Negative Declaration (IS/MND) prepared by RBF Consulting in May 2001. However, the original project proposed two parking lots adjacent to the Adobe structure. A modification to the originally proposed parking layout has since been designed to address issues of land use compatibility with adjacent residences; therefore RBF will revise the previously prepared (but not adopted) IS/MND to reflect these changes.

The general scope of work, estimated fees, and schedule for the CEQA process are presented on the following pages.

CEQA Scope, Fees and Schedule

Update of Administrative Draft Initial Study/Mitigated Negative Declaration

RBF proposes to revise the IS/MND prepared in 2001 in conformance with the California Environmental Quality Act (CEQA) of 1970, Section 21000 et. sec. of the State CEQA Guidelines (California Administrative Code Section 15000), as amended. The IS/MND will provide a detailed analysis describing potential environmental impacts associated with the proposed project, including cumulative and growth-inducing effects. Mitigation measures will be recommended and incorporated where necessary to reduce the level of significance for identified impacts to below a level considered significant. The IS/MND will provide construction-level environmental analysis for the project, including phasing, funding, design, construction, and operation.

Task 1: Preparation of Administrative Draft Initial Study/Mitigated Negative Declaration

The proposed IS/MND will update the following sections:

Project Description

RBF will update the project description to include the new roadway and revised parking lot layout. RBF will also update the exhibits to illustrate the characteristics of the proposed project (see Graphic Exhibits, below).

Preparation of Environmental Checklist

RBF will revise the previously prepared environmental checklist to address the environmental topics of CEQA (per Appendix G of the State CEQA Guidelines). This section will include a summary page of project information followed by the environmental checklist. The section will provide a listing of documentation which will be "Incorporated by Reference" and notations for all references utilized for the environmental determination.

Discussion of Environmental Checklist Responses

RBF will provide supporting documentation for the conclusions rendered in the Environmental Checklist. This section will describe the potential impacts and mitigation measures for the proposed project. The following environmental issue areas will be updated to reflect the revised project layout:

- Air Quality: construction emission impacts in consideration of the Bay Area Air Quality Management District (BAAQMD) thresholds. This scope of work and fee assumes that additional vehicle trips to the site would not result in significant vehicle emissions, and would not require detailed air quality modeling to determine air quality impacts. If our limited traffic analysis concludes that the project will generate substantial vehicle trips, then a

detailed air quality analysis would be required. RBF will prepare a separate scope of work and fee for this analysis if it is required.

- Biological resources: Potential impacts to biological resources, sensitive species, wetlands, and riparian habitat.
- Hydrology, Drainage and Water Quality: specifically drainage and stormwater quality impacts (construction and operation).
- Mandatory Findings: Updates and revises Cumulative Impacts as appropriate.
- Traffic/Circulation: Trip generation will be estimated based on estimated usage of the historic park. RBF will estimate the potential usage of the site based on other passive recreational parks and the Institute of Traffic Engineers Trip Generation Handbook. Those numbers will in turn be used to estimate the total number of Average Daily Trips (ADTs). RBF assumes that AM and PM peak hour trips to the site would not be relevant given that most users would visit the site on the weekend or during the day (e.g. school field trips, etc.). RBF also assumes that a full traffic study will not be required for the revised Alviso Adobe parking lot design. However, should such a technical analysis be required, RBF will prepare a separate scope of work and fee.

Other Sections

RBF will revise other required sections of the IS/MND as necessary, including the Cover Page, CEQA Determination Page, Table of Contents, Report Authors and Consultants, and References.

Graphic Exhibits

The environmental document will update one of three prior exhibits: Project Site Design. The previous site design included two parking lots adjacent to the Alviso Adobe; the new exhibit will remove those parking areas and replace them with "mitigated areas." A fourth exhibit will show the new parking lot and roadway alignment. The Regional Vicinity Map and Local Vicinity Map are presumed to remain the same.

Technical Editing

RBF will conduct a thorough technical edit on the IS/MND before it is sent to the City for review. The Senior Technical Editor will review all sections for technical accuracy, grammar, format and punctuation.

Task 2: Production of Administrative Draft IS/MND

RBF will submit 5 copies of the Administrative Draft IS/MND to the City of Milpitas for review and comment. Further copies will be provided (if necessary) by RBF at an additional fee.

Task 3: Preparation of Draft IS/MND

RBF will prepare the Draft IS/MND by incorporating one complete set of comments on the Administrative Draft IS/MND from the City of Milpitas. Following RBF revisions, RBF will submit one copy of the document to the City for final review and approval.

Task 4: Public Distribution and Review of Draft IS/MND

Once approved for printing, RBF will print 20 copies of the Draft IS/MND, and deliver 15 copies of the Draft IS/MND to Office of Planning and Research (OPR) State Clearinghouse and 5 copies to the City of Milpitas.

Task 5: Preparation of Draft Mitigation Monitoring and Reporting Program

To comply with the Public Resources Code Section 21081.6 (AB 3180), RBF will prepare a Draft Mitigation Monitoring Program, which will be submitted to the City for review and approval. RBF will respond to City comments on the Draft Mitigation Monitoring program. The Mitigation Monitoring Program will be defined through working with staff to identify appropriate monitoring steps and procedures in order to provide a basis for monitoring such measures during and upon project implementation. RBF will provide one camera-ready copy of the finalized Mitigation Monitoring Program.

Task 6: Preparation of Final IS/MND*Task 6.1: Response to Comments*

If necessary, RBF will revise the Draft IS/MND in response to comments received during the public review period of the IS/MND. The Final IS/MND will be revised to include the public comment letters and the Mitigation Monitoring and Reporting Program.

Task 6.2: Final IS/MND

RBF will submit fifteen (15) copies of the Final IS/MND to the City of Milpitas.

Task 6.3: Notice of Determination

After the City Council adopts the Final IS/MND, RBF will prepare and post the Notice of Determination (NOD) at the County Clerks Office. The City of Milpitas will be responsible for all posting fees.

Task 7: Coordination of Environmental Review and Meeting Attendance

Ms. Laura Worthington-Forbes will be responsible for quality assurance/control and CEQA strategic oversight. She will ensure that all commitments made to the City (as appropriate) are completed on schedule and within budget as expeditiously as possible. Ms. Darcy Kremin will undertake consultation and coordination of the Project and review the Environmental Studies for compliance with CEQA requirements. Ms. Kremin will consult with local agencies regarding the environmental documents. Ms. Forbes or Ms. Kremin will attend all Project meetings, will represent the City at public hearings, and make presentations at these meetings as necessary. This task assumes attendance at two (2) project meetings with City of Milpitas staff and two (2) public hearings. Additional meetings shall be billed on a Time and Materials basis.

Estimated Fee:

The total estimated fee for preparing an Initial Study/Mitigated Negative Declaration is **\$21,160**.

Schedule:

The preparation and completion of an IS/MND for the Alviso Adobe Project would proceed with the following schedule:

Notice to Proceed	January 21, 2005
Admin Draft IS/MND	February 25, 2005
Comments returned from City	March 4, 2005
Draft IS/MND	March 18, 2005
Public distribution of Draft IS/MND	March 18, 2005
Public review	March 18 to April 18, 2005
Public hearing	March 29, 2005*
Admin Final IS/MND	May 2, 2005
Comments returned from City	May 16, 2005
Final IS/MND	May 16, 2005
City Council adoption	after May 16, 2005
Notice of Determination	after City Council adoption

*Can be scheduled any day between March 18 and April 18, 2005.

Assumptions:

RBF has prepared the following Scope of work, Fee Estimate, and Schedule based on the following assumptions:

- The project may require the preparation of technical studies that are not identified in this Scope of Work. If such studies are required, then RBF will provide a separate Scope of Work, Fee, and revised Schedule for the preparation of the required technical studies.
- In performing its services hereunder, RBF has or will receive information prepared or compiled by others, the accuracy and completeness of which RBF is entitled to rely upon without independent evaluation or verification.
- The City is to pay all jurisdictional agencies fees and costs.

Fees for Environmental Services:
Revised Alviso Adobe Rehabilitation

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